IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.83 OF 2007

M/s. Akruti Nirman Ltd & Anr ...Appellants

Versus

Municipal Corporation of Gr.
Mumbai & others ...Respondents

Shri J.Reis with Umashankar Upadhyay for the Appellants.
Mrs Geeta Joglekar for the B.M.C.
Shri Dinesh C. Shah for the Respondent Nos.3 and 4.

CORAM : ABHAY S.OKA, J.
DATED : JUNE 26, 2007.

P.C.:

1. Heard the learned counsel appearing for the parties. The Appeal takes exception to the order which is an ad-interim order. My attention has been invited to order dated 26th February, 2007 by which this Court granted an ad-interim relief in this Appeal. By order dated 11th June, 2007, this Court directed the trial Court to decide the pending Notice of Motion.

2. The learned counsel appearing for the Appellants states that a reply has been filed by the contesting Defendants to the Notice of Motion and a rejoinder will be filed within a period of two weeks from today.

3. Considering the fact that ad-interim order passed by this Court on 26th February, 2007 operates till today and now the Notice of Motion itself can be disposed of, the present Appeal need not be kept pending.

4. Accordingly, appeal is disposed of by passing the following order:

(i) The Appellants will file rejoinder within a period of two weeks from today. The trial Court will not grant any further time to the Appellants to file rejoinder.

(ii) The pending Notice of Motion shall be finally decided by the learned trial Judge as expeditiously as possible and preferrably before 31st July, 2007.

(iii) Ad-interim order passed by this Court on 26th February, 2007 will continue to operate till the final disposal of Notice of Motion.

(iv) It is clarified that all contentions of the parties on merits are expressly kept open and the trial Court will decide the Notice of Motion without being influenced by the observations made in the impugned order as well as by grant of ad-interim relief by this Court.

(v) Parties and concerned Court to act upon an authenticated copy of this order.

JUDGE